

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 6862**

**BILL NUMBER:** HB 1296

**NOTE PREPARED:** Jan 3, 2007

**BILL AMENDED:**

**SUBJECT:** Elected Officials and Political Activity.

**FIRST AUTHOR:** Rep. Smith V

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** X **GENERAL**  
**DEDICATED**  
**FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** The bill provides that certain employees who are elected officials may not be: (1) discouraged from engaging in political activity; (2) prohibited from engaging in political activity; or (3) denied the right to choose to refrain from engaging in political activity; when not on duty. The bill prohibits an employer from bringing a disciplinary action against those employees for engaging in political activity when not on duty.

**Effective Date:** July 1, 2007.

**Explanation of State Expenditures:** *Summary:* If a suit were brought against the state as an employer under the bill, the Attorney General would represent the state. The Attorney General would be able to defend the state within their existing level of resources.

*Background, Attorney General:* As of September 5, 2006, the Attorney General had 344 total employees. Of that total, 289 were full-time, 38 intermittent, 10 temporary, and 7 were on leave. The Attorney General's General Fund appropriation is \$21.4 M for FY 2007.

**Explanation of State Revenues:** *Judgments Against the State:* Any monetary judgement against the state, under the provisions of the bill, would reduce state revenues by the amount awarded by a circuit court.

*Court Fee Revenue:* If additional civil actions occur, revenue to the state General Fund may increase if court fees are collected. A civil filing fee of \$100 would be assessed when a civil case is filed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court. In addition, some or all of the judicial salaries fee (\$15), the public defense

administration fee (\$3), the court administration fee (\$2), and the judicial insurance adjustment fee (\$1) are deposited into the state General Fund.

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:** *Court Fee Revenue:* If additional civil actions occur, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$100 filing fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

**State Agencies Affected:** Attorney General.

**Local Agencies Affected:** Circuit Courts.

**Information Sources:** Indiana HRM Detailed Staffing Report, *State of Indiana List of Appropriations: July 1, 2005 - June 30, 2007.*

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